

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Gregory Howard Frye,)	Case No.: 5:25-cv-1157-JD-KDW
)	
Petitioner,)	
)	
vs.)	
)	ORDER AND OPINION
Warden John Palmer,)	
)	
Respondent.)	
)	

This matter is before the Court with the Report and Recommendation (“Report”) of United States Magistrate Judge Kaymani D. West (DE 9), made under Local Civil Rule 73.02(B)(2) of the District of South Carolina, concerning the Magistrate Judge’s initial review of Petitioner Gregory Howard Frye’s (“Petitioner” or “Frye”) pleadings. (DE 9.)

A. Background

The Report sets forth the relevant facts and legal standards, which the Court incorporates without a complete recitation. In any event, the Court provides this summary as a brief background. Petitioner states a jury found him guilty of first degree burglary, first degree criminal sexual conduct, and kidnapping, and the court sentenced him to life imprisonment. (DE 1 at 1.) Petitioner states he did not file a direct appeal or a post-conviction relief action. (*Id.* at 2–3.)

B. Report and Recommendation

On February 28, 2025, the Magistrate Judge issued the Report recommending that the Petition be dismissed without prejudice and without issuance and service of process because he has not exhausted his available state law remedies with respect to his habeas claims. (*See* DE 1 at 2–3, 12.) Petitioner has not objected to the Report.

C. Legal Standard

In the absence of objections to the Report and Recommendation, this Court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). The Court must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

D. Conclusion

Since Petitioner has not objected, after a thorough review of the Report and Recommendation and the record in this case, the Court finds no clear error on the face of the record. Thus, the Court adopts the Report (DE 9) and incorporates it here by reference.

It is, therefore, **ORDERED** that Frye’s Petition is dismissed without prejudice and without issuance and service of process. It is also **ORDERED** that a certificate of appealability is denied because Petitioner has failed to make “a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2).

IT IS SO ORDERED.

A handwritten signature in black ink that reads "Joseph Dawson, III". The signature is fluid and cursive, with the "III" written in a smaller, more formal script at the end.

Joseph Dawson, III
United States District Judge

Florence, South Carolina
April 9, 2025

NOTICE OF RIGHT TO APPEAL

Petitioner is hereby notified that he has the right to appeal this order within thirty (30) days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.